

RECEIVED
MAR 7 2008
U.S. DISTRICT COURT
MIDDLE DISTRICT

in the United States District Court
for the District of Alabama
case no. 2:07-CV-979-MEF

Petitioner,
Daniel Strickland

Motion to file appeal.

comes now asking the
Court to appeal, the Courts recommendation
of the magistrate judge. they say I have
no proof. I showing proof in this appeal.
Im showing medical Records. Im showing
were the judge said my victim was hurting
and screaming, so were in the statements
said that happened. Read Exhibit A. Read Exhibit
B, medical Records prove that Im not guilty
in Exhibit B it shows were my victim.
vagina is still intact, but in police
statements, my victim says I stuck my
penis in her. Im asking the Court to
take there time and look over. Records
real good Before you make this final.
I pray the Court will give me some Relief.

I have placed a copy
in the mail Box to the following
att General.

x Daniel Strickland
Petitioner

x [Signature]
witness

Feb-25-08

Exhibit A Victims statements

Exhibit B medical Records. Showing her STD.

Exhibit C. my medical Records. Stating that I don't have an STD. and my victim Does.

Exhibit D. my Victims medical Records.
Showing Victims Hymen is still intact

DANIEL STRICKLAND #201890 H1-2B
EASTERLING CORRECTIONAL FACILITY
200 WALLACE DRIVE
CLIO, ALABAMA 36017



0000



36101

U.S. POSTAGE
PAID
PRATTVILLE, AL
36066
MAR 06, '08
AMOUNT
\$1.64
00034684-12

Office of the Clerk
United States District Court
P.O. Box 711
Montgomery, AL 36101-0711

"This correspondence is forwarded from
an Alabama State Prison. The contents have
not been evaluated, and the Alabama Department
of Corrections is not responsible for the substance
or content of the enclosed communication."

SAMANTHA THAMES
CASE #97-0003181

Exhibit - A

INTERVIEW

Evans: Today's date is March 4, 1998 and I'm Lt. Evans with the Millbrook Police Department. I'm conducting an interview. If you would state your name and speak up clearly for me.

Thames: Samantha Gail Thames

Evans: The reason why you're here with me Samantha is because we're trying to recall some dates and times that Mr. Strickland has had sexual intercourse with you or attempted to have sexual intercourse with you. We've been sitting here talking and one of the times you were talking about was back on January 22, 1996, is what you recall?

MONDAY

Thames: Yes

Evans: And you were saying that your sister's birthday is January 21st?

Thames: 23rd and mine is the 21st.

Evans: Go ahead and tell me what you were talking about.

Thames: On the 22nd he took me and my sister out for dinner and then we went and dropped Chastity off at my house. Then he took me down to the Smoke House.

Evans: Chastity is your sister?

Thames: Yes

Evans: What is Chastity's last name?

Thames: Maywall now that's she's got married.

Evans: But at that time her last name was Thames?

Thames: Yes

Evans: Between your birthday and her birthday Donald Strickland took ya'll to Applebee's?

Thames: Yes

Interview #
Page 1-16

Evans: Where is Applebee's at?

Thames: He took us to the one in the Mall.

Evans: Out at Eastdale Mall or Montgomery Mall?

Thames: I think it was Eastdale Mall.

Evans: Applebee's in Eastdale Mall?

Thames: I think, yea, I think that's where it is. I'm not for sure.

Evans: There is an Applebee's out there at Eastdale Mall. Ya'll go out there and eat and after ya'll eat did you walk around the mall or anything?

Thames: Huh uh (negative response) cause it was mall closing time.

Evans: So ya'll left the mall and then where did ya'll go?

Thames: Came back to Millbrook and took Chastity home.

Evans: Where were ya'll living at then, do you remember?

Thames: Rosewood Court

Evans: Do you know the address?

Thames: 13 Rosewood Court

Evans: Ya'll dropped Chastity off, who was still in the car?

Thames: Me and Dan

Evans: You and Daniel Strickland?

Thames: Yes

Evans: Did ya'll leave from the house?

Thames: Did we do what?

Evans: Where did ya'll go after you dropped Chastity off?

Thames: He took us down to the Smoke House.

Evans: You saying he took us, was there somebody else with ya'll?

Thames: No

Evans: You and Strickland went to the Smoke House?

Thames: Right

Evans: The Smoke House is here in Millbrook?

Thames: Yes

Evans: On Main Street.

Thames: Yea

Evans: Why did ya'll go to the Smoke House?

Thames: He said he had to (?) some meat cause he did the meat stuff. We was down there and I guess he got done and I was watching TV and he come in there and he took me back to the back tables and attempting to have sexual intercourse with me.

Evans: Ya'll went down to the Smoke House and he told you he had check the meat in the smokers?

Thames: Yes

Evans: And then when he got through he took you to the back tables?

Thames: Yes

Evans: Now the Smoke House has an area where you can order food when you go in. When you go in and to the left there's tables. Then there's an addition where there's more tables. Are you talking about the very back?

Thames: Yea there's like a booth chair. Back there.

Evans: So ya'll went back in the corner in the restaurant area where you eat and that's where he tried to have sex with you?

Thames: Yes

Evans: Can you tell me what happened?

Thames: He was mouthing on my vagina and he tried sticking his private part in my vagina.

Evans: In you vagina?

Thames: Yes

Evans: We're talking January 22, 1996 ya'll are at the Smoke House. Is it daylight or dark?

Thames: Dark

Evans: Is there anybody at the Smoke House besides you two?

Thames: No

Evans: Just you two?

Thames: Yes

Evans: Do you remember how ya'll got inside the Smoke House?

Thames: He has a key to get in. He was the person that did the meat.

Evans: So ya'll went in there and after he does that he takes you in the back of the eating area and, you talking about a bench?

Thames: Yea it's like a table and instead of having regular chairs, a bench thing you sit on. He pushed the table out and laid me on the bench?

Evans: Does he take your clothes off?

Thames: Yes sir

Evans: Can you recall what you were wearing?

Thames: No sir

Evans: He took all your clothes off?

Thames: Except for my socks.

Evans: Did he take his clothes off?

Thames: No, yea, he took his jeans off that was it.

Evans: Do you know if he was wearing underwear?

Thames: He was wearing boxers.

Evans: Did he take those off?

Thames: I don't know.

Evans: After he does that is that when he put his mouth on your vagina?

Thames: Yes

Evans: After he had his mouth on your vagina did he do anything after that?

Thames: Yes he tried to put his private part in my private part.

Evans: His private parts you talking about his penis?

Thames: Yes

Evans: He tried to put it inside your vagina?

Thames: Yes

Evans: Did he do that?

Thames: He got a little bit, but he couldn't get it (couldn't understand) I was a virgin.

Evans: He got a little bit in, but he didn't get it all the way in? — ~~Leaving~~

Thames: Yes

Evans: After he did that did anything else happen?

Thames: Stuff came out of his private part and he put it on my stomach and then he wiped it off and then he helped me clean off.

Evans: Do you remember what he used to wipe it off with?

Thames: A napkin

Evans: Then he wiped it off and then ya'll put your clothes on?

Thames: Yes he said put your clothes on.

Evans: After that what did ya'll do?

Thames: He got something to drink and we went and got in the car and he took me home.

Evans: Let me pause the tape for just a second. I've turned the tape back on now. Got one thing I want to ask you since the tape recorder has been turned off have I suggested or make any comments to you about saying anything unusual about what we've been talking about?

Thames: No sir

Evans: After ya'll get through and ya'll leave do you remember where you went to?

Thames: He took me to the house in Millbrook.

Evans: And that was up on 13 Rosewood Court?

Thames: Yes

• Evans: Did anything happen that night at your house?

• Thames: I don't know. I took a shower and went to bed.

• Evans: Where did you sleep?

• Thames: I slept upstairs

• Evans: Where did Daniel....

• Thames: Downstairs

• Evans: In your mothers bedroom? Okay. And that's been back on January 22, 1996. Now, you were how old at the time?

• Thames: I was turning 14.

Evans: Did anything else happen after that incident?

Thames: Yes, but I can't pin point any time or the date or the month.

Evans: Okay. Your birthday is in January?

Thames: Yes

• Evans: Did anything happen around Valentines day?

• Thames: I'm not for sure.

Evans: After that can you recall any other incidents happening after that? A short time after

that or a long time?

Thames: It was a short time. I can not tell you the date or the time or nothing cause I just don't....

• Evans: I've already asked you about Valentines, what about Easter time? What about during the summer months of '96? You're out of school....

• Thames: I was in the Prattville house last summer. 97 .

• Evans: Okay, that was '97.

• Thames: '97? I don't know.

Evans: What about around the beginning of the school year of '96?

• Thames: I can remember things happening, but I don't know the dates or anything.

• Evans: What about around Thanksgiving time?

• Thames: Yea, but I can't pin point any dates or times.

• Evans: Alright, what about Christmas time? Before or after Christmas?

• Thames: ~~Before and after Christmas. Not during Christmas, but before and after~~

• Evans: ~~Alright we can say before and after Christmas of '96.~~ During the time frame. I'm talking about before Christmas, did anything happen at the house?

• Thames: I can't recall.

• Evans: Can you remember if anything happened at the Smoke House?

• Thames: I can't

• Evans: We're getting into the first of the year which is '97, are ya'll still living here in Millbrook or are ya'll living over there in Prattville?

• Thames: I'm in Prattville now. Yea i was living in, no (couldn't understand) but I came to Millbrook school. I finished at the Millbrook school.

• Evans: So you finished up the school year in '97 in Millbrook?

• Thames: Yes

4 Evans: Were you going to the jr. high or high school?

Thames: Jr. high

Evans: And ya'll were living over in Prattville?

Thames: Yes

Evans: When ya'll were living over in Prattville was Mr. Strickland living with ya'll then?

Thames: No sir

Evans: Did he ever come up to Millbrook Jr. High and pick you up?

Thames: Yes sir quite a few times.

Evans: Did anything happen when he would pick you up from school?

Thames: Yea

Evans: Let me ask you this. Strickland is not living with ya'll in '97, ya'll moved over to Prattville and you're still going to school in Millbrook. Do you know if he was still working at the Smoke House?

Thames: I believe he was yes.

Evans: In the beginning of '97 he'd pick you up from school, did ya'll ever go to the Smoke House?

Thames: No not at the beginning, but later on like in (couldn't understand).

Evans: Take you in where?

Thames: To the Smoke House, but I can't recall (couldn't understand).

Evans: I'm going to stop the tape for just a second. I've turned the tape back on. Have I asked you to make any statements that's not true and correct?

Thames: No sir

Evans: You just said a few minutes ago March and February, are we talking '97?

Thames: Yes

Evans: Ya'll did go to the Smoke House?

Thames: Yes

Evans: Now you'd go to school Monday thru Friday, but you're living over in Prattville. When he would pick you up I think you said you didn't go down to the Smoke House when he would pick you up from school?

Thames: He take me down to the house cause my mom worked there.

Evans: Down to what house?

Thames: My Millbrook house.

Evans: That's in February and March of '97?

Thames: [REDACTED]

Evans: You talking about the house up here on Rosewood Court?

Thames: Yes

Evans: Ya'll were still living there?

Thames: No. We were living in Prattville, but we still owned that house.

Evans: Why would ya'll go up to the house?

Thames: Cause he knew that my mom, my mother would never be making a trip to the Millbrook house.

Evans: So after school you're saying that ya'll would go up to the house on Rosewood Court just Strickland and you?

Thames: Yes

Evans: In March and February of '97?

Thames: Yes

Evans: You go to school Monday thru Friday? Okay. You'd get out of school at 3:00?

Thames: Yes

Evans: And he would take you up there. Let's deal with February in '97. You still going to school here in Millbrook, okay. How often would Strickland pick you up from school or how many days you can recall in February of '97 he would pick you up from school?

Thames: I don't remember.

Evans: Can you give me a specific of what you can remember?

Thames: In February I was out four times from school. Probably, but I'm not sure.

Evans: And the same thing would happen what you were telling me what happened down at the Smoke House?

Thames: Yes

Evans: What about March?

Thames: I believe a couple of times. I'm not certain.

Evans: Okay. Now you said something about ya'll would go down to the Smoke House in February and March.

Thames: Yes

Evans: Was your mother at night or working daytime?

Thames: She was working daytime.

Evans: He'd pick you up from school?

Thames: If he picked me up from school we would go to the house, but if he picked me up from my house I lived at in Prattville at night time, like if he would take me out to eat or something, he'd take me to the Smoke House cause there wouldn't be nobody there.

Evans: Would that be during a weekday when ya'll would go out to eat or on a weekend?

Thames: I'm not sure

Evans: Okay. Anything after March of '97?

Thames: Yes. He'd done stuff all the way through, until the 3rd of September. But I can not pin point any of the dates and times. But the same thing would happen that I said happened on the 22nd of February.

Evans: ~~_____~~

Thames: ~~_____~~

Evans: And ya'll were living here in Millbrook?

Thames: Yea in '96 I was.

Evans: Are you saying it happened four times that you can recall in February?

Thames: Huh uh (positive response)

Evans: And that was February of '97. Okay. How many times in March, can you recall off hand?

Thames: No sir I can't recall that.

Evans: Okay. Now in '96 before it turned '97 ya'll were still living in Millbrook?

Thames: Huh uh (positive response)

Evans: On Rosewood Court?

Thames: Yes sir and he was. he got kicked out in October of '96.

Evans: Strickland was kicked out of the house in October of '96?

Thames: Yes

Evans: Before he got kicked out. Stop the tape. I've turned the tape recorder back on again. Have I coerced you into making any statements?

Thames: No sir

Evans: Like I was saying a few minutes ago you said he was kicked out of the house in October of '96?

Thames: Yes

Evans: Do you remember what day that was?

Thames: I don't, but maybe my mother might.

Evans: Before he got kicked out of the house, September or October of '96 can you recall if anything happened?

Thames: Something did happen, but I don't know the dates or, I don't remember the dates, but I know something happened.

Evans: Any time around Halloween?

Thames: Something happened, but (couldn't understand). Not that on Halloween happened though.

Evans: Normally when anything would happen as far as Strickland having sexual intercourse with you or anything else, can you recall if it happened during the weekday or a weekend?

Thames: No I can't recall.

Evans: About how many times, that you can recall, has this happened to you?

Thames: I don't know. I really don't know.

Evans: More than two times?

Thames: Oh yes sir

Evans: More than three times?

Thames: Yes sir

Evans: More than five times?

Thames: Yes sir

Evans: More than eight times?

Thames: Yes sir

Evans: More than twelve times?

Thames: Yes sir

Evans: Was it more than fifty?

Thames: Probably yes sir

Evans: Was it more than a hundred times?

Thames: I'm not certain. (couldn't understand)

Evans: When you would go to the orthodontist where would you be at for Mr. Strickland to pick you up?

Thames: I'd be at my moms, either at the school or my mothers house. Or my Prattville house.

Evans: So you would either be at school or in Millbrook or Prattville. Okay. You recall if you would go to the orthodontist during the weekday?

Thames: Sometimes yes I would go during the weekdays. I don't know the dates that I went.

Evans: Would you ever go during a weekend?

Thames: I don't recall ever going there on the weekend, but I know during the week.

Evans: Just during the week and not on the weekends?

Thames: Yea

Evans: Okay. When you would go to the orthodontist, you say he'd either pick you up from school or your house here in Millbrook. Where is your orthodontist at?

Thames: In Montgomery.

Evans: Would ya'll go straight to the orthodontist first or stop off some place before you went?

Thames: Sometimes before and sometimes after.

Evans: With you being picked up from school, if you can remember, going to the orthodontist did anything happen here in Millbrook?

Thames: Yes

Evans: Can you remember a location off hand?

Thames: My house in Millbrook. The back roads (couldn't understand)

Evans: Can you give me a date?

Thames: No sir I can't.

Evans: When ya'll would leave from the house going to the orthodontist would anything happen at the house or you said something about back roads....

Thames: Yea (couldn't understand). That would be like if my mom was home or, during the day my mom slept and night time she would work so he took me to almost all my orthodontist appointments. If she was at home sleeping during the day and it was during the day he would take me to the back roads. When she was working day times he (couldn't understand). But during the day when she was gone he'd take me to the house.

14
Evans: When ya'll would go to the house where would it take place at?

Thames: In my mothers bedroom.

Evans: Was it every time in you mothers bedroom?

Thames: Yes

Evans: When you're talking about going on the back roads where would it happen at?

Thames: Somewhere in the woods on a back road. I don't know where.

Evans: Inside the vehicle or out on the ground?

Thames: Inside the vehicle.

Evans: What type of vehicle are we talking about?

Thames: A truck

Evans: Mr. Strickland drives a truck?

Thames: Yes

Evans: Let's lead up to 1997, which was only this past year, as a matter of fact three months ago. Ya'll are living in Prattville right?

Thames: Yes

Evans: You don't remember what date in '97 you moved to Prattville?

Thames: No I don't

Evans: But you're still going to school in Millbrook. (couldn't understand) in Prattville?

Thames: Starting in September I went to Prattville.

2
Evans: Did anything happen here in Millbrook when you started to school in Prattville in September of '97?

Thames: No sir. September 3rd was like the very last time and that probably, I got two phone calls from him after September 3rd, but besides that I didn't see him anymore.

Evans: Lets back up a little bit. Let's talk about the summer of '97. That's been about nine months ago.

Thames: He'd come by there and pick me up from my house and would tell my sister that he was going to take me out to eat or take me shopping or do something like that, but (couldn't understand) and he would take me somewhere else.

Evans: In Montgomery?

Thames: No. It would be in Millbrook.

Evans: Ya'll would come to Millbrook?

Thames: Yes

Evans: Can you think of a specific month?

Thames: No I can not.

Evans: May, June, July and August?

Thames: Yea somewhere in there, but I can not recall.

Evans: You know it was during the summer months?

Thames: Yea

Evans: When ya'll would come to Millbrook where would ya'll go?

Thames: Back roads and the woods and by my Millbrook house. Sometimes in the Smoke House.

Evans: Sometimes at the Smoke House?

Thames: Yea down at the Smoke House when nobody was there.

Evans: We're talking after 5:00, 6:00 o'clock, 7:00 o'clock in the evening?

Thames: Yea after everybody had gone home.

Evans: You're saying something did happen during those four months, summer months?

Thames: Yea

Evans: Anything specific in August?

Thames: Not that I can recall.

Lead
ing

16
Evans: September?

Thames: Of last year?

Evans: Yea

Thames: The 3rd

Evans: September the 3rd where was that at?

Thames: Prattville

Evans: What about after September the 3rd?

Thames: I told you that anything after September the 4th.

Evans: We're going to back up a little bit now okay. Back during the time you're eleven, twelve years of age when this started, when you say Mr. Strickland would take you off did he ever do anything special for you? More than your other two sisters?

Thames: He'd buy me more stuff than my sisters. (couldn't understand) he always bought me stuff and gave me money and all this other stuff

Evans: Was any of those times be on your birthday or around your birthday?

Thames: I'm not for sure.

Evans: What about during the holidays?

Thames: I'm not sure.

Evans: We've been sitting here talking quite a bit right?

Thames: Yes sir

Evans: Trying to get you to recall. Can you think of anything as far as a date, a month, a year? Nothing at all?

Thames: Not a specific date no sir.

Evans: Alright. I'm going to go ahead and stop the tape and we'll get your mother in here okay?

END OF INTERVIEW

Date printed: 12/05/97

ANTHA THAMES

ID: 1923-2

SEX: F AGE: 14

Exhibit B

TEST RESULTS

at 4:30pm

She is here for a follow up of Molestation. She is doing good today. She denies
next week and Child Protect. Then it will go to the DA. Then they will start h

She was positive for Gardnerella

Counselor: Laurie Matson 365-6781/ 273-0177 (DHR)

Lab Test results

G: Negative

Chlamydia: Negative

TS: NonReactive

TV: Negative

Confirm: (DNA Probe) for the items listed below

Candida: Negative

Trichomonas: Negative

Gardnarella: Positive

TV Counseling performed for pretesting and Posttesting

Assess:

Ginitis, Bacterial

o Molestation

Plan:

eat Vaginitis

Continue with counselors

C PRN

: METRONIDAZOLE GEL 1APPL 1 BID for 5 days, , Ref: 0

SIGNED BY JOHNNIE W. STRICKLAND, JR (JWS)

12/05/97

Strickland, Daniel

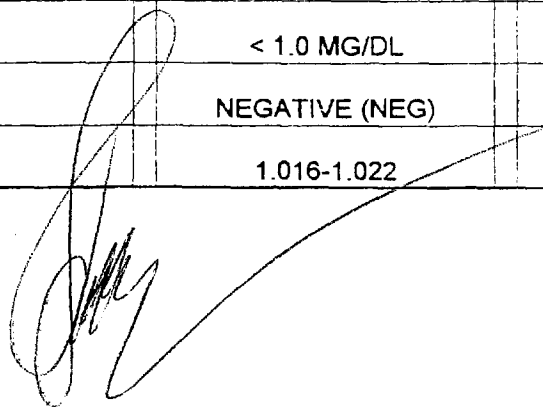
201890

12/28/98

Exhibit C

NPV# 3 1229

TEST NAME	RESULT	REFERENCE RANGE	COMMENTS
HIV ANTIBODY	<i>✓ NR</i>	NEGATIVE (NEG)	
RPR	<i>✓ NR</i>	NON-REACTIVE (NR)	
URINALYSIS	<i>✓ neg</i>		
APPEARANCE			
pH		pH 5- pH 6	
PROTEIN		NEGATIVE (NEG)	
GLUCOSE		NEGATIVE (NEG)	
KETONES		NEGATIVE (NEG)	
BILIRUBIN		NEGATIVE (NEG)	
BLOOD		< 5 RBC/MCL	
NITRITE		NEGATIVE (NEG)	
UROBILINOGEN		< 1.0 MG/DL	
LEUK. ESTERASE		NEGATIVE (NEG)	
SPECIFIC GRAVITY		1.016-1.022	



 Health
Services

Exhibit 2

CONFIDENTIAL

January 19, 1998

RE: Samantha Thames

DOB: 01/21/83

Lt. James Evans

Millbrook Police Dept.

P.O. Box C

Millbrook, Al. 36054

Dear Lt. Evans;

I saw Samantha Thames on 01/13/98. She was accompanied by her mother who spoke with me first. Mrs. Newton stated: "She's been sexually molested by my ex-boyfriend. She's 14. She's been exposed to the whole nine yards of sexual relations. This went on quite a while. (We split up in 1995 but he kept coming to see the girls.) He never messed with the other girls. He told her my temper was bad. I'd kill him and I'd go to jail. He used her vulnerability to her Dad. The other girls were not that vulnerable. Samantha finally told Brandi, the sister, after reading an article. Brandi went to her counselor who told them to tell. His last time was in September."

Alone with me Samantha stated: "I got molested. My Mom's ex-fiance would take me out somewhere. He'd fondle me and eat me out and try to stick his private part in my private part. He couldn't get it in the first time. The next time he got it in just a little. I said "no" and "stop" and I was crying. He wouldn't stop." He made me touch his private part but that was all. It happened quite often. I was 11 in the 5th. grade when it started. The last time was September 1997. He's married now. His wife is 16. One time I had bleeding after. Another time I had a discharge. I went and got treated for that.

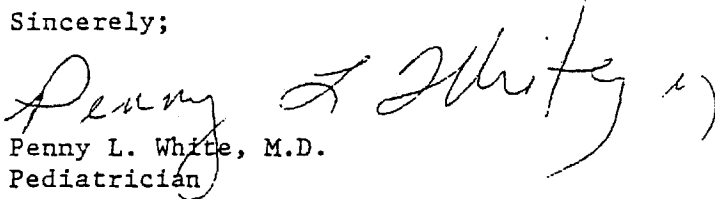
P.O. Drawer 70365
Montgomery, Alabama 36107-0365
Telephone 205 263 2301
Fax 205 263 0881

CONFIDENTIAL

On physical exam Samantha is a thin child. She has had menarche and is normally sexually developed. She had a thin whitish/yellow non odororous vaginal discharge. The hymen is estrogenized and curly type appears largely in tact. There is a transection (split) at about 5 o'clock. The rectum is normal.

IMPRESSION: Sexual abuse by history. Evidence of vaginal penetration.

Sincerely;


Penny L. White, M.D.
Pediatrician